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Nov 26 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2012-CP-10-00580

Thomas H. Morgan.....Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

MOTION OF APPELLANTS
FOR EXPEDITED HEARING

WOMBLE BOND DICKINSON (US) LLP

/s/Henry E. Grimball

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Attorneys for Appellants

[Except 150 Bee Street, LLC]

November 26, 2024

MOTION AND MEMORANDUM

Pursuant to Rule 240 and 263, SCACR, counsel for the Appellants moves this Court to expedite the hearing/oral argument of this case.

The reason for this Motion is that Appellants' chief counsel, Henry E. Grimbball, was born on August 23, 1948 and admitted into the South Carolina bar in November, 1974. He is now 76 years old and would likely have retired but for this case, which was initially filed on January 26, 2012.

While counsel does not find any appellate rule governing this issue, the appellate courts of South Carolina have the inherent authority to consider and grant or deny such a motion. See, e.g., *Ex Parte Booker*, 2024 WL 3291608 (S.C. July 3, 2024), motion denied; *Ex Parte Pope*, 2015 WL 3649548 (S.C. June 10, 2015), motion denied; *Riverwood, LLC v. County of Charleston*, 349 S.C. 378, 383, 563 S.E.2d 651, 654 (2002) motion granted; *Florence County v. Moore*, 344 S.C. 596, 600, 545 S.E.2d 507, 509 (2001) motion granted.

Counsel has consulted with Respondent's counsel, who "would favor a quick decision," but will respond separately to this Motion.

Counsel certifies that on November 25, 2024, he served Respondent's counsel with a copy of this motion.

WOMBLE BOND DICKINSON (US) LLP
/s/Henry E. Grimbball
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Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

CERTIFICATE OF SERVICE

I do hereby certify that on the 26th day of November 2024, I served a copy of the *Motion for Expedited Hearing* on all counsel of record addressed as follows:

W. Andrew Gowder, Jr.
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Attorneys for Respondent

s/Henry E. Grimball

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Attorneys for Appellants

[Except 150 Bee Street, LLC]

Charleston, South Carolina

November 26, 2024



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Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

**Re: *Thomas H. Morgan v. John L. Gilbert, et al.*
Case No. 2012-CP-10-00580**

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Henry E. Grimball

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Dear Ms. Kitchings:

Please find enclosed the following:

- 1) Pursuant to SC Rules of Appellate Procedure 240(d), Appellants' filing fee check of \$50.00.
- 2) The original of the Appellants' Motion for Expedited Hearing.
- 3) Original of Appellants' Certificate of Service of this Motion on Respondents' counsel.

Very truly yours,

Womble Bond Dickinson (US) LLP

s/ Henry E. Grimball

Henry E. Grimball

Enclosures

cc: Morris A. Ellison, Esquire
Andrew Gowder, Jr., Esquire
Michael Rose, Esquire

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